IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

OP.No. 23228 of 2001(S)

OA.758/1998 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

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PETITIONERS:
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1. **SENIOR SUPERINTENDENT,**
   RAILWAY MAIL SERVICE,
   'TV' DIVISION,
   THIRUVANTHAPURAM.

2. **CHIEF POTMASTER GENERAL,**
   KERALA CIRCLE,
   THIRUVANTHAPURAM.

3. **UNION OF INDIA,**
   REP. BY THE SECRETARY TO GOVERNMENT OF INDIA,
   MINISTRY OF COMMUNICATIONS,
   DEPARTMENT OF POSTS, NEW DELHI.

BY ADV. SRI.P.S.SREEDHARAN PILLAI, SCGSC
SRI.JOHN VARGHESE, SCGSC
SRI.P.PARAMESWARAN NAIR, ASST.SG

RESPONDENTS:
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1. **THE CENTRAL ADMINISTRATIVE TRIBUNAL,**
   ERNAKULAM BENCH REP. BY ITS REGISTRAR.

2. **K.SREENIVASAN,**
   SORTING ASSISTANT,
   HEAD RECORD OFFICE,
   RMS 'TV' DIVISION,
   THIRUVANTHAPURAM-1.

3. **K.P.SULOCHANA DEVI,**
   D/O PARAMESWARAN NAIR,
   SORTING ASSISTANT,
   SUB RECORD OFFICE,
   RMS 'TV' DIVISION, KOTTAYAM.

BY ADV. SRI.K.RAMAKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO.23228/2001

ORDER IN CMP NO.38128/2001 IN OP NO.23228/2001

DISMISSED

22/06/2007 **SD/-K.S.RADHAKRISHNAN, JUDGE.**

SD/-ANTONY DOMINIC, JUDGE.

//TRUE COPY//

O.P. NO.23228/2001

APPENDIX

PETITIONERS EXHIBITS

EXT.P1: TRUE COPY OF THE OA NO.758 OF 1998.

EXT.P2: TRUE COPY OF THE REPLY STATEMENT FILED BY THE RESPONDENTS IN THE OA 758/98.

EXT.P3: TRUE COPY OF THE ORDER OF THE CAT IN OA NO.758/98.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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O.P. NO. 23228 OF 2001

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Dated this the 22nd day of June, 2007

J U D G M E N T

Radhakrishnan, J.

This OP has been preferred by the Senior Superintendent of Railway Mail Service and others aggrieved by the order passed by the CAT in OA No.758/1998. The OA was preferred by the 2nd and 3rd respondent herein challenging the show cause notice dated 5/3/98 proposing to recover the amount of Rs.5886 paid to the 1st applicant. 2nd applicant was also served with a similar notice. We are of the view that the Department is not justified in issuing show cause notice, since the matter is already covered in OA 40/91 wherein it was declared that the petitioner would be entitled to get productivity linked bonus. In view of the order passed in OA 40/91, which is binding on the Department, the amounts already paid, cannot be recovered. We find no error or reasoning adopted by the Tribunal in setting aside the show cause notice. Original petition lacks merits. Dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp